

Amendment No. 1 to HB0220

Doss
Signature of Sponsor

AMEND Senate Bill No. 699

House Bill No. 220*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 3, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Nonprofit sponsor" means a nonprofit corporation whose purpose includes the historic preservation of documents, memorabilia, and equipment associated with the railroad industry, and public education regarding the history, current functions, and future of railroad transportation and which is exclusive to religious, scientific, literary, or educational purposes within the meaning of 26 U.S.C. § 501(c)(3); and

(2) "Special passenger excursion train" means a train offered by a nonprofit sponsor to the public for operation over a common carrier railroad or railroad authority.

(b) Notwithstanding § 29-39-102 or any other law to the contrary, the liability of a nonprofit sponsor of a special passenger excursion train, the owner or operator of a special passenger excursion train, and the railroad or rail authority over whose tracks the special passenger excursion train is operated, for all claims, whether for compensatory damages or punitive damages, arising from a rail incident or accident occurring in this state and involving a special passenger excursion train shall not exceed the following amounts, based on the number of passengers transported per year as follows:

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(1) For up to twenty-five thousand (25,000) passengers per year, ten million dollars (\$10,000,000) per occurrence or per claim; or

(2) For more than twenty-five thousand (25,000) passengers and up to fifty thousand (50,000) passengers per year, twenty million dollars (\$20,000,000).

(c) A nonprofit sponsor of a special passenger excursion train shall maintain liability insurance coverage equal to the amount in subdivision (b)(1) or (b)(2), as applicable. The nonprofit sponsor shall provide evidence of liability insurance coverage in an amount that meets the requirements of this subsection (c) upon demand of the department of transportation.

(d) This section shall not limit the liability of a nonprofit sponsor whose intentional misconduct causes a rail incident or accident.

(e) This section is deleted on May 1, 2022, unless extended by the general assembly before such date. During the second annual session of the 112th general assembly, the government operations committees of the house of representatives and the senate shall review and make recommendations to the general assembly on whether legislation be considered to extend the operation of this section after May 1, 2022.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.